

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELSA GULINO, MAYLING RALPH, PETER WILDS,
and NIA GREENE, on behalf of themselves and all others
similarly situated,

Plaintiffs,

- against -

THE BOARD OF EDUCATION OF THE CITY
SCHOOL DISTRICT OF THE CITY OF NEW YORK,

Defendant.

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96 Civ. 8414 (KMW)

[PROPOSED]
CONSENT ORDER
AND
JUDGMENT
FOR
MARIA
RODRIGUEZ

X

WHEREAS, the Court certified a remedy-phase class of Plaintiffs (*See Gulino v. Bd. of Educ. of the City Sch. Dist. of the City of N.Y.*, Opinion and Order, No. 96-cv-8414, [ECF No. 386]), and Maria Rodriguez (“Claimant”) is a member of that class;

WHEREAS, the Court appointed a Special Master (*See* May 20, 2014 Order of Appointment, [ECF No. 435]; November 12, 2014 Second Amended Order of Appointment, [ECF No. 524]) to hear, among other things, demands for damages;

WHEREAS, the Special Master made, and the Court adopted, Classwide Conclusions of Law, [ECF Nos. 999, 1008]);

WHEREAS, the Board of Education of the City School District of the City of New York (“BOE”) and Plaintiffs entered into, and the Court so ordered, a Stipulation of Classwide Facts & Procedures, [ECF No. 1009];

WHEREAS, the BOE and Plaintiffs entered into, and the Court so ordered, a Sixth Supplemental Stipulation Concerning Admissibility of Exhibits, which attached a Sixth Supplemental Index of Exhibits (collectively referred to as the “Classwide Exhibits”) filed with the Court, [ECF No. 8247];

WHEREAS, Plaintiffs and the BOE have prepared the annexed Stipulated Findings of Fact and Conclusions of Law for Maria Rodriguez (Exhibit 1), which the Plaintiffs and BOE agree that the Court should adopt;

WHEREAS, Plaintiffs and BOE consent to entry of this order and final judgment for Maria Rodriguez pursuant to Federal Rule of Civil Procedure 54(b); and

WHEREAS, Plaintiffs and BOE have agreed not to appeal this order and final judgment for Maria Rodriguez.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the annexed Stipulated Findings of Fact and Conclusions of Law for Maria Rodriguez (Exhibit 1) is adopted;

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Maria Rodriguez will have judgment against the BOE in the amount of \$184,928.00, consisting of:

1. Backpay in the amount of \$119,970.00;
2. Tax-component award in the amount of \$14,096.00;
3. LAST Fees in the amount of \$510.00;
4. ASAF account award in the amount of \$933.00;
5. CAR Award in the amount of \$1,823.00;
6. Pre-judgment interest calculated to be \$47,596.00; and
7. Pension-related relief pursuant to the terms of the Court's Order dated December 17, 2018 (Pension Stipulation & Order, [ECF No. 1014]).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, BOE will pay Maria Rodriguez her judgment pursuant to the following schedule, with each of the various types of monetary damages paid pro rata in each payment:

1. \$92,464.00 no later than July 31, 2022;
2. \$30,821.33 no later than July 31, 2023;
3. \$30,821.33 no later than July 31, 2024; and
4. \$30,821.34 no later than July 31, 2025.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Maria Rodriguez will be entitled to the following non-monetary relief:

1. The BOE is ordered to amend its internal service, salary, payroll, and human resources systems as follows:
 - a. Incorporate the "Pension Inputs" detailed in Paragraph 4 of Exhibit 1;
 - b. Incorporate Maria Rodriguez's counterfactual monthly service history, as listed on Exhibit A to the Stipulated Findings and Fact and Conclusions of Law for Maria Rodriguez; and

- c. Grant Maria Rodriguez retroactive seniority based on her counterfactual monthly service history, as described in Paragraph 4 of Exhibit 1.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this judgment be certified as final pursuant to Federal Rule of Civil Procedure 54(b).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court shall retain jurisdiction of this action for purposes of carrying out the terms of the Consent Order and Judgment, or granting such further relief as this Court deems just and proper.

Dated: 13/16/2021

STIPULATED AND AGREED UPON BY:

Maria Rodriguez
MARIA RODRIGUEZ

Joshua Sohn

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Dated: 8/2/2022

ENTERED

/s/ Kimba M. Wood